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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,798	10/11/2001	Kenji Tagawa	2001-1544A	7230

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/09/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,798

Applicant(s)

TAGAWA ET AL.

Examiner

Joseph T Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17,23-28,34 and 37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17,23-28,34 and 37 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 23-28, 34, and 37 rejected under 35 U.S.C. 102(b) as being anticipated by Yoshino et al., Japan Patent Publication #11-168534.

Regarding claim 17, Yoshino teaches a mobile phone with music reproduction function, said mobile phone comprising:
a reproduction unit operable to reproduce music data which is recorded in a recording medium[Fig.2 and paragraphs (0007)-(0010)];
a stop unit operable to temporarily stop reproduction by said reproduction unit and a resume method storage unit operable to store information indicating at least one reproduction resume (method [paragraphs 0015) and (0025-0026)]; and
a control unit operable to select one of the at least one reproduction resume method stored in said resume method storage unit, specify a reproduction start position of the music data based on the selected reproduction resume method, and instruct said reproduction unit to reproduce the music data from the specified reproduction start position, after reproduction is stopped by said stop unit and a conversation finishes[paragraphs (0025-0034)].

Regarding claim 23, Yoshino teaches the mobile phone according to Claim 17, wherein one of the at least one reproduction resume method is a method to reproduce the music data from a beginning of the music data which was being reproduced just before being stopped[paragraphs (0025-0034)].

Regarding claim 24, Yoshino teaches the mobile phone according to Claim 17, wherein one of the at least one reproduction resume method is a method to reproduce the music data from a point at which the reproduction of the music data was stopped[paragraphs (0025-0034)].

Regarding claim 25, Yoshino teaches the mobile phone according to Claim 17, wherein one of the at least one reproduction resume method is a method to jump back to the music data for a specified time from a point at which the reproduction of the music data was stopped and to restart the reproduction of the music data at the point[paragraphs (0025-0034)].

Regarding claim 26, Yoshino teaches the mobile phone according to Claim 17, wherein said resume method storage unit includes a resume position information storage unit operable to store per the music data, resume position information indicating at least one break point of music, and one of the at least one reproduction resume method is a method to reproduce the music data from the at least one break point indicated by the resume position information just before a point at which the reproduction of the music data was stopped[paragraphs (0025-0034)].

Regarding claim 27, Yoshino teaches the mobile phone according to Claim 17 further comprising: a reproduction resume method memory unit operable to memorize

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the reproduction resume method designated by a user, wherein the control unit instructs the reproduction unit to reproduce music data based on the designated reproduction resume method[paragraphs (0025-0034)].

Regarding claim 28, Yoshino teaches the mobile phone according to Claim 17 further comprising:

an incoming call detection unit operable to detect an incoming call from outside, wherein the stop unit instructs the reproduction unit to stop reproduction of music data when an incoming call is detected by the incoming call detection unit[paragraphs (0025-0034)].

Regarding claims 34 and 37, Yoshino teaches a music data reproduction method by a mobile phone and a program embodied on a medium with a music reproduction function for storing information indicating at least one reproduction resume method in a memory in advance, said music data reproduction method comprising:
reproducing music data recorded in a recording medium [paragraphs (0007)-(0010)];
temporarily stopping reproduction of the reproduced music data and
selecting one of the at least one reproduction resume method stored in the memory(method [paragraphs 0015) and (0025-0026)], specifying a reproduction start position of music data based on the selected reproduction resume method, and
resuming reproduction of music data from the specified reproduction start position, after reproduction is stopped and a conversation finishes[paragraphs (0025-0034)].

Response to Arguments

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2. Applicant's arguments with respect to claims 17, 23-28, 34, and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 03/16/04 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
May 27, 2004



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

